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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/750,380	12/28/2000	James B. Loveland	7927.132	6359
21999	7590	02/20/2004	EXAMINER	
KIRTON AND MCCONKIE 1800 EAGLE GATE TOWER 60 EAST SOUTH TEMPLE P O BOX 45120 SALT LAKE CITY, UT 84145-0120			MEINECKE DIAZ, SUSANNA M	
		ART UNIT		PAPER NUMBER
		3623		
DATE MAILED: 02/20/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/750,380

Applicant(s)

LOVELAND, JAMES B.

Examiner

Susanna M. Diaz

Art Unit

3623

*-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --***Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status1) Responsive to communication(s) filed on 20 January 2004.2a) This action is **FINAL**. 2b) This action is non-final.3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.**Disposition of Claims**4) Claim(s) 1,2,4-7,10,13-15,17,18,21,22 and 24 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.6) Claim(s) 1,2,4-7,10,13-15,17,18,21,22 and 24 is/are rejected.7) Claim(s) _____ is/are objected to.8) Claim(s) _____ are subject to restriction and/or election requirement.**Application Papers**9) The specification is objected to by the Examiner.10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.

If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.**Priority under 35 U.S.C. §§ 119 and 120**13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).a) All b) Some * c) None of:1. Certified copies of the priority documents have been received.2. Certified copies of the priority documents have been received in Application No. _____.3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).a) The translation of the foreign language provisional application has been received.15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.**Attachment(s)**1) Notice of References Cited (PTO-892)4) Interview Summary (PTO-413) Paper No(s). _____.2) Notice of Draftsperson's Patent Drawing Review (PTO-948)5) Notice of Informal Patent Application (PTO-152)3) Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____.6) Other: _____

DETAILED ACTION

1. This Final Office action is responsive to Applicant's amendment filed January 20, 2004.

Claims 1, 7, and 18 have been amended.

Claim 25 has been cancelled.

Claims 28 and 29 are indicated as pending; however, they were cancelled in the previous amendment and therefore stand as cancelled claims.

Claims 1, 2, 4-7, 10, 13-15, 17, 18, 21, 22, and 24 are pending.

2. The previously pending claim objection and rejections under 35 U.S.C. § 112, 2nd paragraph are withdrawn in response to Applicant's claim amendments.

Response to Arguments

3. Applicant's arguments with respect to claims 1, 2, 4-7, 10, 13-15, 17, 18, 21, 22, and 24 have been considered but are not persuasive.

In response to Applicant's clarification regarding the filing date of DeWolf et al. (US 2002/0032626 A1), the Examiner reviewed the actual file wrapper and found a notice of correction for the date of filing as December 18, 2000 instead of May 2, 2001. Since DeWolf et al. (US 2002/0032626 A1) has been printed as a pre-grant publication, Applicant too should be able to access the actual file wrapper as well to verify Examiner's assertion of the corrected filing date.

Applicant argues that “DeWolf does not explicitly disclose an electronic model that accurately depicts structure with integrated electronic links as recited in claim 1” and “Brown does not teach, however, a graphical user interface accurately portraying dimensions and features of a structure and personal property from the location of personal property in the structure to allow a user to indicate a location on the electronic model of the structure depicted on the graphical user interface and to link to the corresponding data” (pages 7 and 8 of Applicant’s response). In response to applicant’s arguments against the references individually, one cannot show nonobviousness by attacking references individually where the rejections are based on combinations of references. See *In re Keller*, 642 F.2d 413, 208 USPQ 871 (CCPA 1981); *In re Merck & Co.*, 800 F.2d 1091, 231 USPQ 375 (Fed. Cir. 1986). Examiner respectfully reminds Applicant that it is the combination of DeWolf and Brown that was used to address the claim limitations in question. For example, DeWolf teaches the display of an accurate electronic model (e.g., blueprints of an architectural structure) while Brown teaches an electronic model of a house with icons that can be selected to display further information regarding a related item in the house.

In summary, Applicant’s arguments are not persuasive.

Claim Rejections - 35 USC § 103

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the

invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

5. Claims 1, 2, 4-7, 10, 13-15, 17, 18, 21, 22, and 24 are rejected under 35 U.S.C. 103(a) as being unpatentable over DeWolf et al. (US 2002/0032626 A1) in view of Brown (U.S. Patent No. 5,794,216).

DeWolf discloses an electronic model and data storage system for storing, maintaining and retrieving information relating to an architectural structure, said system comprising:

[Claim 1] a computer device (Fig. 1) comprising:

a processor (Fig. 1);

a graphical user interface accurately portraying dimensions and features of the structure (¶ 157 -- Blueprints of a structure may be accessed);

a memory device storing executable and associated operational data structures for processing by the processor (Fig. 1), the data structures having:

a physically accurate electronic model of said architectural structure that graphically and accurately depicts dimensional and material characteristics of said architectural structure as well as contents of said architectural structure, displayable by said user interface (¶¶ 153-157, 166, 178-182); and

means to provide selective access to information pertaining to said dimensional characteristics and to said contents, wherein said information is accessible via a

computer network by a user according to access rights corresponding to said user (¶¶ 72, 75, 94, 153-160, 166);

[Claim 4] wherein said information comprises information relating to insurance coverage on at least one of (i) said structure and (ii) said contents (¶¶ 153-157, 166, 178-182);

[Claim 5] wherein said information comprises information relating to warranties on at least one of (i) components of said architectural structure and (ii) said contents (¶¶ 153-157, 166, 178-182);

[Claim 6] wherein said system corresponds to a centralized master database (Fig. 1; ¶¶ 153-157, 166, 178-182);

[Claim 10] wherein said information is represented as textual information in said electronic model (¶¶ 153-157, 166, 178-182);

[Claim 13] wherein said system is interactive (¶¶ 153-157, 166, 178-182);

[Claim 14] wherein said system is configured to selectively access outside information from one or more outside information sources (¶¶ 72, 75, 94, 153-160, 166).

Regarding claims 1 and 7, DeWolf teaches the display of an electronic model (e.g., blueprints, as disclosed in ¶ 157) to a user, yet DeWolf does not explicitly disclose that the electronic model is integrated with electronic links (claim 1), such as selectable icons (claim 7), that allow a user to select items for which data is to be accessed;

however, Brown makes up for this deficiency in his teaching of the display of an electronic model of a house which allows a user to select icons corresponding to different aspects of the house, such as floor plans, alternate views, and textual descriptions of the house (col. 6, lines 7-27; col. 7, line 62 through col. 8, line 5; col. 8, lines 37-52). Brown explicitly states, "By compiling the various types of multimedia information into a single database format, embodiments of the present invention are advantageous over the prior art with regard to ease of management and ease of communication of the multimedia information" (col. 2, lines 32-36). DeWolf too shares this same goal (see at least ¶ 7); therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to implement Brown's access to database elements via items being represented as selectable elements, such as electronic links in the form of icons, with DeWolf's global asset information registry in order to reap the benefits of Brown's "ease of management and ease of communication of the multimedia information," thereby further enhancing DeWolf's ability to achieve this commonly established goal.

Further regarding claim 1, DeWolf teaches access to data regarding assets (i.e., personal property) located in an architectural structure (as discussed above). DeWolf does not expressly teach that the location of personal property in the structure is stored; however, these differences are only found in the non-functional descriptive material and are not functionally involved in the steps recited nor do they alter the recited structural elements. The recited method steps would be performed the same regardless of the specific data. Further, the structural elements remain the same regardless of the

specific data. Thus, this descriptive material will not distinguish the claimed invention from the prior art in terms of patentability, see *In re Gulack*, 703 F.2d 1381, 1385, 217 USPQ 401, 404 (Fed. Cir. 1983); *In re Lowry*, 32 F.3d 1579, 32 USPQ2d 1031 (Fed. Cir. 1994); MPEP § 2106.

As per claim 2, DeWolf discloses the display of at least a two dimensional model of an architectural structure (¶ 157 -- e.g., blueprints), yet DeWolf fails to expressly teach the display of an electronic model comprising a three dimensional model of an architectural structure. However, Official Notice is taken that it is old and well-known in the art to present architectural details in a three dimensional model. For example, when used to model a building, three dimensional models can provide a more enhanced view of the details of the building. Since DeWolf already teaches the display of a two dimensional model of a building, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to make an electronic model comprising a three dimensional model of an architectural structure available through DeWolf's global asset information registry in order to provide users with a more enhanced view of the details of an architectural structure of interest, such as a building.

DeWolf discloses a method for storing, retrieving and maintaining information related to an architectural structure on a data storage system, said method comprising the steps of:

[Claim 15] selectively displaying, to a user, an electronic model that graphically and accurately depicts dimensional characteristics and contents of said architectural structure (¶¶ 153-157, 166, 178-182); and

providing, to said user according to access rights corresponding to said user, selective access to information pertaining to said dimensional characteristics and to said contents (¶¶ 72, 75, 94, 153-160, 166);

[Claim 17] further comprising a step of notifying a user of accessed information (¶ 182);

[Claim 18] further comprising transmitting over a network, a carrier signal carrying data structures corresponding to said electronic model (¶¶ 153-157, 166, 178-182);

[Claim 22] further comprising a step of selectively updating said information (¶¶ 72, 75, 94, 153-160, 166);

[Claim 24] further comprising a step of selectively accessing information from an outside source (¶¶ 72, 75, 94, 153-160, 166).

Regarding claims 15 and 21, DeWolf teaches the display of an electronic model (e.g., blueprints, as disclosed in ¶ 157) to a user, yet DeWolf does not explicitly disclose that the electronic model is integrated with electronic links (claim 15), such as selectable icons (claim 21), that allow a user to select items for which data is to be accessed; however, Brown makes up for this deficiency in his teaching of the display of an

electronic model of a house which allows a user to select icons corresponding to different aspects of the house, such as floor plans, alternate views, and textual descriptions of the house (col. 6, lines 7-27; col. 7, line 62 through col. 8, line 5; col. 8, lines 37-52). Brown explicitly states, "By compiling the various types of multimedia information into a single database format, embodiments of the present invention are advantageous over the prior art with regard to ease of management and ease of communication of the multimedia information" (col. 2, lines 32-36). DeWolf too shares this same goal (see at least ¶ 7); therefore, the Examiner asserts that it would have been obvious to one of ordinary skill in the art at the time of Applicant's invention to implement Brown's access to database elements via items being represented as selectable elements, such as electronic links in the form of icons, with DeWolf's global asset information registry in order to reap the benefits of Brown's "ease of management and ease of communication of the multimedia information," thereby further enhancing DeWolf's ability to achieve this commonly established goal.

Conclusion

6. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the

shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

7. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Susanna M. Diaz whose telephone number is (703) 305-1337. The examiner can normally be reached on Monday-Friday, 9 am - 5 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Tariq Hafiz can be reached on (703) 305-9643.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the Receptionist whose telephone number is (703)308-1113.

Any response to this action should be mailed to:

Commissioner for Patents
P.O. Box 1450
Alexandria, Virginia 22313-1450

or faxed to:

(703)305-7687 [Official communications; including After Final communications labeled "Box AF"]

(703)746-7048 [Informal/Draft communications, labeled "PROPOSED" or "DRAFT"]

Hand delivered responses should be brought to Crystal Park 5, 2451 Crystal Drive, Arlington, VA, 22202, 7th floor receptionist.

Susanna Diaz

Susanna M. Diaz
Primary Examiner
Art Unit 3623
February 17, 2004